United States District Court Southern District of Texas

ENTERED

August 15, 2017
David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

LUIS MEDELLIN, BENIGNO AGUILAR,	§	
ELIAZAR OCHOA, and RODOLFO	§	
OLIVARES, Individually and On Behalf of	§	
All Others Similarly Situated,	§	
·	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-17-1232
	§	
EXPRESS PAYROLL, INC.; ROBERT	§	
WAYNE HUTTO d/b/a/ A&W SERVICES;	§	
NABORS CORPORATE SERVICES, INC.	§	
and NABORS INDUSTRIES, INC.,	§	
	§	
Defendants.	§	

ORDER GRANTING MOTION FOR PARTIAL DISMISSAL AND GRANTING THE UNOPPOSED MOTION FOR LEAVE TO AMEND COMPLAINT

Nabors Corporate Services, Inc. and Nabors Industries, Inc. moved for a dismissal of some of the claims in this FLSA case. (Docket Entry No. 12). The plaintiffs responded, agreeing to dismiss these claims and seeking to amend to conform their complaint. (Docket Entry No. 18).

The following claims are dismissed: 1) Count Two - Failure to Maintain Accurate Records in Violation of 29 U.S.C. § 211(c); 2) Count Three - FLSA Retaliation in Violation of 29 U.S.C. § 215(a)(3); and 3) Count Four - Collective Action Retaliation Claims. The other claims, based on the allegations that the plaintiffs were misclassified as independent contractors and were joint employees of Nabors and either Express Payroll or A&W Services, will remain.

The plaintiffs' Unopposed Motion for Leave to Amend their Complaint, (Docket Entry No.

18), is granted. The plaintiffs must file an amended complaint by August 28, 2017.

SIGNED on August 15, 2017, at Houston, Texas.

Lee H. Rosenthal

Chief United States District Judge